

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
 )  
CHERYL KAY BALL, ) CASE NO. 08-23269 JPK  
 ) Chapter 13  
Debtor. )

ORDER REGARDING OBJECTION TO CLAIM

On June 4, 2009, the debtor, by counsel, filed an objection to claim #16 of JPMorgan Chase Bank, N.A. Proper notice of the objection was provided to the creditor, and no response has been timely filed. The basis for the objection is that "the claim filed does not include any written evidence of any obligation being due from Debtor such as a promissory note signed by Debtor". On this basis, the debtor seeks disallowance in full of the claim. The court's review of the claim discloses that the debtor is correct in that no promissory note has been attached. However, the claim includes a copy of a mortgage, on page 8 of which is the description of the obligation secured by that mortgage, i.e., a "promissory note dated October 8, 2004 in the original principal amount of \$13,000.00". Also attached to the claim is a document entitled "Addendum to Bank One Promissory Note Adding One Protect". The objection does not dispute that the debtor owes an obligation to the creditor, does not dispute that the amount of the debt stated in the claim is not correct, and does not in any manner contest that the creditor has a security interest in property of the estate. The court deems the claim to be sufficient to provide information to the debtor as to the basis upon which it is asserted, and that the debtor's objection as it has been presently presented should be denied.

IT IS ORDERED that the debtor's Objection to Claim is denied, without prejudice to an objection which meets the substance of the claim rather than its form.

Dated at Hammond, Indiana on July 21, 2009.

/s/ J. Philip Klingeberger  
J. Philip Klingeberger, Judge  
United States Bankruptcy Court

Distribution:  
Debtor, Attorney for Debtor, Trustee, US Trustee